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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/083,960
		Filing Date	February 25, 2002
		First Named Inventor	Jonathan B. ROTHBARD
		Art Unit	1654
		Examiner Name	J. Russel
Total Number of Pages in This Submission	19	Attorney Docket Number	578562001721

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; width: 20px; height: 40px; display: flex; align-items: center; justify-content: center;">Landscape Table on CD</div>	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of return receipt postcard stamped June 24, 2002 by the USPTO (1 page) Copy of response to Notice to File Missing Parts dated June 17, 2002 (12 pages) Copy of USPTO Monthly Statement of Deposit Account dated June 28, 2002 (1 page) Copy of the Decision on Petition to Withdraw from Record mailed June 7, 2006 (2 pages) Return receipt postcard
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer Number 25226)		
Signature			
Printed name	Robert K. Cerpa		
Date	June 23, 2006	Reg. No.	39,933

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 456359395 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: June 23, 2006	Signature: (Megha Aggarwal)

pa-1075240

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 456359395 US, in an envelope addressed to: M.S. Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 23, 2006

Signature: _____

(Megha Aggarwal)

Docket No.: 578562001721
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Jonathan B. ROTHBARD et al.

Application No.: 10/083,960

Confirmation No.: 8395

Filed: February 25, 2002

Art Unit: 1654

For: COMPOSITIONS AND METHODS FOR
ENHANCING DRUG DELIVERY ACROSS
AND INTO OCULAR TISSUES

Examiner: J. Russel

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition seeks withdrawal of the holding of abandonment of U.S. Application No. 10/083,960.

A Petition to Withdraw as attorney or agent of record was filed in this application on January 23, 2006, by the previous attorneys handling this application. In a Decision on the Request to Withdraw mailed on June 7, 2006, the United States Patent and Trademark Office denied the petition. The Patent and Trademark Office also held that this application was abandoned for failure to file a signed oath or declaration in compliance with 37 C.F.R. § 1.63 in response to the Notice to File Missing Parts mailed on April 17, 2002.

However, on June 17, 2002, a Declaration in response to the Notice to File Missing Parts was timely filed in connection with U.S. Application No. 10/083,960. The June 17, 2002 response was received by the USPTO, as evidenced by a return receipt postcard. Accordingly, Applicants hereby seek withdrawal of the holding of abandonment of U.S. Application No. 10/083,960 and

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request reinstatement of prosecution of U.S. Application No. 10/083,960 in accordance with MPEP § 711.03(a) and (c).

In support of this petition, we enclose:

- ☒ A copy of the return receipt postcard stamped June 24, 2002, by the USPTO; and
- ☒ A copy of the June 17, 2002 Response to Notice to File Missing Parts filed by the previous attorneys handling this application: return receipt postcard, Transmittal, Fee Transmittal, Declaration, Small Entity Statement, Power of Attorney, 3.73(b) Statement with a copy of the Assignment, and a copy of the Notice to File Missing Parts; and
- ☒ A copy of the USPTO monthly statement of deposit account dated June 28, 2002 from Townsend & Townsend & Crew (the previous attorneys handling this application) showing a \$65.00 fee was charged on June 27, 2002 in connection with U.S. Application No. 10/083,960.


Also enclosed is:

- ☒ A copy of the Decision on Petition to Withdraw from Record mailed June 7, 2006 by the Office of Petitions.

No fee is believed due for the present Petition. However, the Commissioner is hereby authorized to charge any fees that may be required by this Petition to **Deposit Account No. 03-1952** referencing docket no. **578562001721**. Please do not charge the Issue Fee to the deposit account.

Dated: June 23, 2006

Respectfully submitted,

By 
Robert K. Cerpa
Registration No.: 39,933
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5715

COPY



Box Missing Parts
TO THE U.S. PATENT & TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s)
and return this card to us: Rothbard, et al.



RE: COMPOSITIONS AND METHODS FOR EXPANDING DRUG DELIVERY
TITLE OF DOCUMENT(S): ACROSS AND INTO OCULAR TISSUES

Copy of Notice to File Missing Parts
Transmittal SB21 Fee Transmittal SB17 (3)

Declaration Power of Attorney Statement Under 37 CFR
Small Entity Statement 3.37(b) w/assignment copy

Application No. 10/083,960
File No. 019801 000240US
Date Due June 17, 2002
Date Mailed June 17, 2002
Atty/Secty. MEH:jmm

JUL 21 2002

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LAW OFFICES
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834

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TO THE U.S. PATENT & TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s)
and return this card to us: Rothbard, et al.

RE: COMPOSITIONS AND METHODS FOR EXPANDING DRUG DELIVERY

TITLE OF DOCUMENT(S): ACROSS AND INTO OCULAR TISSUES

Copy of Notice to File Missing Parts

Transmittal SB21

Fee Transmittal SB.17 (3)

Declaration Power of Attorney
Small Entity Statement

Statement Under 37 CFR
3.37(b) w/assignment copy

Application No. 10/083,960

File No. 019801 000240US

Date Due June 17, 2002

Date Mailed June 17, 2002

Atty/Secty. MEH:jmm

St



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/083,960	02/25/2002	Jonathan B. Rothbard	019801-000240US

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 8395

FORMALITIES LETTER



OC000000007880719

Date Mailed: 04/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and
return top portion with your check. Make check
payable to Commissioner of Patents & Trademarks.

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Account No.	201430
Date	6-28-02
Page	56

TOWNSEND & TOWNSEND AND CREW
ATTN: MICHELE SIMONE
TWO EMBARCADERO CENTER
8 TH FLOOR
SAN FRANCISCO CA 94111-3834

FINA

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						

6/27/02 53 6-77 10083960 019801-08024 205 65.00 690709.65

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
			✓

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JUN 12 2006

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Morrison & Foerster, LLP
Palo Alto

COPY MAILED

JUN 07 2006

OFFICE OF PETITIONS

In re Application of	:	
Jonathan B. Rothbard et al	:	
Application No. 10/083,960	:	
Filed: February 25, 2002	:	DECISION ON PETITION
Attorney Docket No. 019801-000240US	:	TO WITHDRAW
	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2006.

The request is NOT APPROVED.

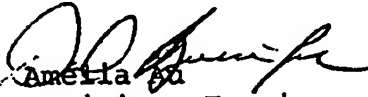
A review of the file record indicates that William B. Kezer and customer No. 20350 do not have power of attorney in this patent applications but has been employed or otherwise engaged in the proceedings in this patent application. However, the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one of the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request is "Discontinuation of attorney/client relationship" do not meet any of the conditions set forth in 37 CFR 10.40.

Upon further review of the file record, there is no indication that a signed oath or declaration in compliance with 37 CFR 1.63 was filed within the two (2) months from the mail date of the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 17, 2002. Therefore, this application became abandoned on June 18, 2002.

DOCKETED a

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicants.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.


Amelia
Petitions Examiner
Office of Petitions

cc: ROBERT CERPA, PH.D
MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304